REMARKS

Claims 30-36, 38-50, and 52-58 are pending and under current examination. Applicant has amended claims 30 and 45. Support for the amendments may be found in the specification at, for example, page 15, lines 5-8.

Applicant traverses the following rejections in the Final Office Action and maintained in the Advisory Action:

> (a) rejection of claims 30, 31, 33-36, 38-46, 48-50, and 52-58 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent App. Pub. No. 2002/0016169 ("*Sykes*") in view of U.S. Patent App. Pub. No. 2004/0185875 ("*Diacakis*"); and further in view of U.S. Patent App. Pub. No. 2003/0220117 ("*Duffett-Smith*"); and

> (b) rejection of claims 32 and 47 under 35 U.S.C. § 103(a) as being unpatentable over *Sykes* in view of *Diacakis* and *Duffett-Smith*, and further in view of U.S. Patent No. 6,002,936 ("*Roel-Ng*").

Rejection of Claims 30, 31, 33-36, 38-46, 48-50, and 52-58 under 35 U.S.C. § 103(a):

Applicant requests reconsideration and withdrawal of the rejection of claims 30, 31, 33-36, 38-46, 48-50, and 52-58 under 35 U.S.C. § 103(a) as being unpatentable over *Sykes* in view of *Diacakis*, and further in view of *Duffett-Smith*. Specifically, *Sykes*, *Diacakis*, and *Duffett-Smith*, taken either alone or in any combination, do not disclose or suggest at least Applicant's claimed "transforming said geographic data in a respective set of values of network related entities, said respective set of values being expected to be associated with a mobile terminal of said mobile network when located in the corresponding target area and at least one value of the respective set is weighted by a probabilistic index as a function of a temporal percentage of presence of at least one of the network related entities," as recited in amended claim 30 (and similarly in claim 45) (emphasis added).

The Final Office Action acknowledged that *Diacakis* as modified by *Sykes* does not teach geographic data weighted by another factor. *See* Final Office Action, page 4. Applicant notes that even *Duffett-Smith* also fails to cure the deficiencies of *Sykes* and *Diacakis*.

For example, *Duffett-Smith* discloses "[a] method of calculating the position or state of motion of one or more terminals ... [based on] signals received from one or more transmission sources. . . ." *Duffett-Smith*, Abstract. *Duffett-Smith* further discloses that timing measurements made by a mobile station (MS) are weighted based on directions from Base Transceiver Stations (BTSs) to the position of the MS. *See Duffett-Smith*, para. [0033]. In particular, *Duffett-Smith* discloses that when BTSs transmit signals towards the MS, such signals are allocated higher weights (e.g., BTSs 301, 302, and 304); whereas signals received from BTSs 303 and 305 are allocated lower weights because they transmit signals away from the MS. *See id.* That is, in *Duffett-Smith*, the weights assigned to signals received from different BTSs are based on the relative positions of the BTSs with respect to the MS, or the directions from which the signals are received. This is clearly different from "weighted by a probabilistic index as a function of a temporal percentage of presence of at least one of the network related entities," as recited in amended claim 30 (emphasis added).

Moreover, although *Duffett-Smith* discloses that "BTS 303 is assigned a weight of 0.22 corresponding to the average probability of measurements made on the signals from a BTS in that relative configuration [e.g., location relative to the MS]," such "average probability" cannot constitute "a probabilistic index as a function of a temporal percentage of presence of at least one of the network related entities," at least because the "average probability" refers to the likelihood of whether a particular measurement can be made due to, for example, position, beam width,

direction of the BTS relative to the MS (*see Duffett-Smith*, para. [0032]), and <u>not</u> "a temporal percentage of presence," as recited in amended claim 30.

Independent claims 30 and 45 are <u>not</u> obvious over *Sykes*, *Diacakis*, and *Duffett-Smith*, whether taken alone or in any combination, and should therefore be allowable. Dependent claims 31, 33-36, 38-44, 46, 48-50, and 52-58 should also be allowable at least by virtue of their respective dependence from base claim 30 or 45, and because they recite additional features not taught or suggested by the applied references. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection.

<u>**Rejection of Claims 32 and 47 under 35 U.S.C. § 103(a)**</u>:

Applicant requests reconsideration and withdrawal of the rejection of claims 32 and 47 under 35 U.S.C. § 103(a) as being unpatentable over *Sykes*, *Diacakis*, and *Duffett-Smith*, and further in view of *Roel-Ng*. As discussed above, Applicant has established that *Sykes*, *Diacakis*, and *Duffett-Smith*, whether taken alone or in combination, do not teach or suggest Applicant's claimed "transforming said geographic data in a respective set of values of network related entities, said respective set of values being expected to be associated with a mobile terminal of said mobile network when located in the corresponding target area and at least one value of the respective set is weighted by a probabilistic index as a function of <u>a temporal percentage of presence of at least one of the network related entities</u>," as recited in amended claim 30 (and similarly in claim 45) (emphasis added).

Roel-Ng does not cure the deficiencies of *Sykes*, *Diacakis*, and *Duffett-Smith*. For example, *Roel-Ng* discloses a system for "allowing a cellular network to determine the optimum positioning method, having knowledge of all available network-based and terminal-based positioning methods." *Roel-Ng*, Abstract. The "available" positioning methods disclosed in

Roel-Ng include a Timing Advance (TA) value-based method (*see Roel-Ng*, col. 2, line 8 to col. 3, line 14) and a GPS-based method (*see Roel-Ng*, col. 3, lines 15-25). However, *Roel-Ng* does not teach or suggest that these methods utilize "[a] value …weighted by a probabilistic index as a function of a temporal percentage of presence of at least one of the network related entities," as recited in amended claim 30 (and similarly in claim 45) (emphasis added).

Independent claims 30 and 45 are not obvious over *Sykes*, *Diacakis*, *Duffett-Smith* and *Roel-Ng*, whether taken alone or in any combination. Therefore, dependent claims 32 and 47 should be allowable at least by virtue of their respective dependence from base claim 30 or 45, and because they recite additional features not taught or suggested by the applied references. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection.

Conclusion:

Applicant requests reconsideration of the application and withdrawal of the rejections. Pending claims 30-36, 38-50, and 52-58 are in condition for allowance, and Applicant requests a favorable action.

The Final Office Action contains statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterizations in the Final Office Action.

If there are any remaining issues or misunderstandings, Applicant requests that the Examiner telephone the undersigned representative to discuss them.
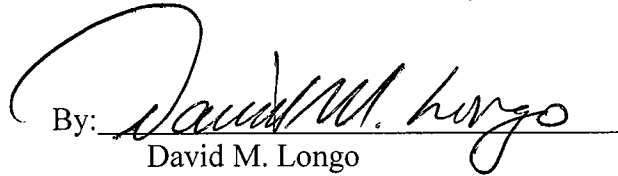
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 26, 2010

By:_____
David M. Longo
Reg. No. 53,235

/direct telephone: (571) 203-2763/